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**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: Nathan Bryan MANTLO      Group Art Unit: 1626-

Serial No.: 10/580202      Examiner: S. Young

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International      Conf No.: 2055

Application Date: December 21, 2004

US Nat'l Entry

Date (if applicable): May 19, 2006

For: TRIAZOLE PPAR MODULATORS

Docket No.: X16094

**AMENDMENT UNDER 37 C.F.R. 1.121**  
**REPLY UNDER 37 C.F.R. 1.111 & AMENDMENT UNDER 37 C.F.R. 1.121**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

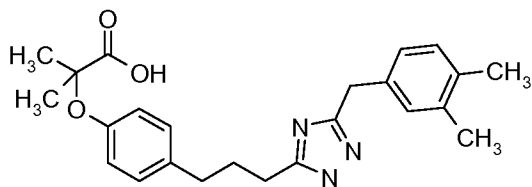
Sir:

**Introductory Comments**

In response to the Restriction Requirement dated September 4, 2007, Applicants wish to elect an invention for examination, and request amendment of this application as set forth herein.

Applicants note the five exemplary groups provided to Applicants as the present restriction requirement; however, Applicants maintain that the exemplary groups are neither an appropriate restriction of the present invention nor in compliance with the requirement of MPEP 814, wherein the restriction requirement must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 USC 121. Applicants are unable to elect one of the exemplary groups, because the compound of most interest does not fall within any of these groups. In compliance with the

Examiner's request, Applicants elect the compound of Example 9a, that is, a compound of the



structure:

or salts thereof, for the Examiner consider

for a genus.

Applicants provide herein a preliminary amendment to Claim 1 with current listing of the claims, remarks to support the traversal of the present restriction grouping, remarks regarding inventions not included in the provided groupings, and comments based on the PCT grouping that may provide a proper grouping in accordance with PCT Rule 13.1.

The amendments to the Claims begin on **page 3**. A complete listing of the current claims is included and shall replace all previous versions and amendments to the claims. Please amend the claims as indicated in the attached listing of claims.